



Arizona Regulatory Board of Physician Assistants

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Janet Napolitano
Governor

Randy Danielsen, Ph.D., P.A.-C
Chairman

Barry A. Cassidy, Ph.D., P.A.-C
Executive Director

FINAL MINUTES FOR REGULAR SESSION MEETING Held at 1:00 p.m. on November 19, 2003 9535 E. Doubletree Ranch Road - Scottsdale, Arizona

Board Members

Randy D. Danielsen, Ph.D., P.A.-C, Chair
Albert Ray Tuttle, P.A.-C, Vice Chair
Michael E. Goodwin, P.A.-C
G. Bradley Klock, D.O.
James Edward Meyer, M.D.
Sigmund Popko
Anna Marie Prassa, Public Member
Joan M. Reynolds, P.A.-C
Peter C. Wagner, D.O.
Barry D. Weiss, M.D., FAAFP

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Amanda J. Diehl, M.P.A., CPM, Assistant Director, Licensing & Operations
Beatriz Garcia Stamps, M.D., M.B.A., Medical Director
Gary Oglesby, Chief Information Officer
Tina Speight, Board Coordinator

WEDNESDAY, NOVEMBER 19, 2003

CALL TO ORDER

Randy D. Danielsen, Ph.D., P.A.-C, Chair, called the meeting to order at 1:04 p.m.

ROLL CALL

The following Board members were present: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, Peter C. Wagner, D.O., and Barry D. Weiss, M.D., FAAFP

CALL TO PUBLIC

Statements issued during the Call to the Public are listed beneath the case number referenced in the statement.

Richard E. Bitner, Arizona State Association of Physician Assistants (ASAPA) Legislative Counsel, spoke at the call to the public regarding the "Draft Language" proposed by the ASAPA pertaining to Participation in Disaster and Emergency Care. Mr. Bitner stated that the ASAPA would like to add a new section under the Arizona Revised Statutes (A.R.S.) as A.R.S. § 32-2559 Participation in Disaster and Emergency Care to prevent frivolous complaints and lawsuits against a Physician Assistant due to the broad range of unprofessional conduct in the current A.R.S. Mr. Bitner recommended that the Board reconsider that this proposal be presented to the legislature for inclusion as an additional regulatory sanction. Mr. Bitner distributed a handout regarding the proposed language.

NON-TIME SPECIFIC ITEMS

Executive Director's Report

The Board will discuss and vote on the Executive Director's report at a November 25, 2003 Teleconference, due to an agenda error.

NON-TIME SPECIFIC ITEMS (continued)

Proposed Legislation for 2004 Session

Tina Wilcox presented to the Board the legislative proposals for 2004.

Ms. Wilcox discussed the Practitioner Health Program and stated that if the Board chooses to accept this proposal, it would be included not only in the Arizona Regulatory Board of Physician Assistants statutes but also the Arizona Medical Board statutes. If the Board does not accept the proposal, it would only be included in the Arizona Medical Board statutes for allopathic physicians.

Ms. Wilcox discussed the feedback that was given regarding the legislative proposals at the legislative stake holders meeting, which took place on November 14, 2003. Ms. Wilcox stated that there was only opposition to the dishonorable conduct proposal.

Approval of Minutes

August 27, 2003 Meeting Minutes

The Board members stated that they would like the vote count of the Proposed Physician Assistant Rule Revisions and Case # PA-02-0030 corrected.

MOTION: Anna Marie Prassa moved to accept the August 27, 2003 meeting minutes with the changes as stated above.

SECONDED: Michael E. Goodwin, P.A.-C

VOTE: 10-0-0 Motion Passed.

Proposed 2004 Arizona Regulatory Board of Physician Assistants Meeting Dates

MOTION: Albert Ray Tuttle, P.A.-C moved to accept the proposed 2004 Arizona Regulatory Board of Physician Assistants meeting dates.

SECONDED: Anna Marie Prassa

VOTE: 10-0-0 Motion Passed.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
1.	PA-03-0027A	AMB	Karen J. Moser, P.A.	2046	Surrender License.

Kathleen Mueller, Monitored Aftercare Program Coordinator, reviewed this case with the Board.

MOTION: James Edward Meyer, M.D. moved to accept the proposed consent agreement as written.

SECONDED: Anna Marie Prassa

ROLL CALL VOTE was taken and the following members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, Peter C. Wagner, D.O., and Barry D. Weiss, M.D., FAAFP.

VOTE: 10-0-0 Motion Passed.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
2.	PA-98-0002 PA-98-0004 PA-98-0009	A.W. A.A. T.K.	John Verschoor, IV, P.A.	1194	Probation Terminated.

Wendy Nicholson, Senior Compliance Officer, reviewed this case with the Board stating that P.A. Verschoor was placed on probation in August of 2002 and that he has complied with his probation up to date. Ms. Nicholson also stated that the consent agreement allowed P.A. Verschoor to apply with the Board to prescribe, administer, dispense, and possess Schedule II and III controlled substances one year from the effective date of the Order. Sigmund Popko noted that P.A. Verschoor failed to meet a 30-day time frame set fourth in the Order to provide a signed statement that he had complied with the notification requirement. Ms. Nicholson responded by stating that the lateness was in providing the notice to the Board and not in the actual compliance of the Order.

MOTION: Albert Ray Tuttle, P.A.-C moved to accept the modification of board order to terminate the probation.

SECONDED: Joan M. Reynolds, P.A.-C

NON-TIME SPECIFIC ITEMS (continued) – John Verschoor, IV, P.A.

ROLL CALL VOTE was taken and the following members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, Peter C. Wagner, D.O., and Barry D. Weiss, M.D., FAAFP.

VOTE: 10-0-0 Motion Passed.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
3.	PA-03-0006A	M.L.	Curtis S. Nielson, P.A.	2106	Dismissed.
4.	PA-03-0012A	A.I.	Ron L. Ferguson, P.A.	1072	Dismissed.

Case number 4 was pulled for individual consideration. Rudolf Kirschner, M.D., Board Medical Consultant, reviewed this case with the Board. The Board members brought up concern that P.A. Ferguson engaged in a procedure after hours and that implies that there was a lack of supervision and lack of communication with that supervising physician. The Board members were also concerned if this could have been a danger to the patient and whether there were support personnel available if something went wrong. The Board members concluded that there was no statutory violation and that this case should be dismissed.

MOTION: Peter C. Wagner, D.O. moved to dismiss this case.

SECONDED: Joan M. Reynolds, P.A.-C

VOTE: 9-0-1 Motion Passed.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
5.	PA-03-0003A	E.B.	Preston D. Miller, P.A.	1257	Dismissed.
6.	PA-03-0018A	R.A.	K. Lance Carpenter, P.A.	1830	Dismissed.

MOTION: Anna Marie Prassa moved to dismiss cases 3, 5, and 6 excluding case number 4, which was discussed individually.

SECONDED: Michael E. Goodwin, P.A.-C

VOTE: 10-0-0 Motion Passed.

NO.	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
7.	Mary C. Mock, P.A.	2266	License Inactivated.

MOTION: Albert Ray Tuttle, P.A.-C moved to accept the inactivation of license number 2266.

SECONDED: Anna Marie Prassa

VOTE: 10-0-0 Motion Passed.

FORMAL INTERVIEWS

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
1.	PA-03-0001A	J.F.	PRESTON D. MILLER, P.A.	1257	Advisory letter for failure to release patient records. This violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

Preston D. Miller, P.A., appeared before the board without legal representation. Rudolf Kirschner, M.D., Board Medical Consultant, reviewed this case with the Board. The primary allegation was that P.A. Miller failed to follow up with the planned referral of the patient for evaluation by a neurologist. The secondary allegation is that P.A. Miller failed to timely release the patient's medical records to the patient after the patient signed the appropriate release forms. P.A. Miller made a statement to the Board that in his office there are signs posted on the back of the doorways to each exam room, which informs the patients "If you have been referred to a specialist and are waiting for your referral or authorization, if you don't hear from our office in 10 days please call the office. Thank you." P.A. Miller informed the Board that he never promised the patient that he would refer her to a neurologist. P.A. Miller and the patient agreed to do a preliminary work up prior to a referral. P.A. Miller then stated that he informed office staff to release all of the patient records to her upon her request. James Edward Meyer, M.D., presenting Board member began the questioning of P.A. Miller. Dr. Meyer brought up a discrepancy between P.A. Miller's supervising physician's written statement, which said that the medical records were not released to the patient due to the patient's violent behavior with office staff and P.A. Miller's statement before the Board

FORMAL INTERVIEWS (continued) – Preston D. Miller, P.A.

that the medical records were readily available to the patient. P.A. Miller responded by stating that after the aggressive behavior that the patient displayed with office staff, he approached his supervising physician, who informed P.A. Miller to wait and release the medical records to the patient after a signed release was attained and they would deal with the paperwork then. The Board members began the questioning of P.A. Miller and clarified that the patient was on a Preferred Provider Option (PPO) plan with her medical insurance and could self-refer. P.A. Miller confirmed with the Board that his office does have a records release authorization for the patients to sign and there is a policy that the office has 48 hours to comply. Christine Cassetta, Board Counsel, informed the Board that the Staff Investigational Review Committee report stated that P.A. Miller refused to release the patient's records upon request, after receipt of the properly executed release form. Dr. Meyer recommended that P.A. Miller's actions constitute unprofessional conduct based on the failure to release medical records to a patient upon their request and signed release. Peter C. Wagner, D.O. commented that he is troubled by the patient's very aggressive and uncivil behavior and does not consider asking the patient to calm down and consider this matter at a later time unreasonable.

MOTION: James Edward Meyer, M.D. moved for finding of unprofessional conduct for failure to release patient records for failure to release medical records to a patient upon their request and signed release.

SECONDED: Anna Marie Prassa

VOTE: 9-1-0 Motion Passed.

MOTION: Peter C. Wagner, D.O. moved to issue an advisory letter for failure to release patient records. This violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

SECONDED: Michael E. Goodwin, P.A.-C

ROLL CALL VOTE was taken and the following members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, Peter C. Wagner, D.O., and Barry D. Weiss, M.D., FAAFP.

VOTE: 10-0-0 Motion Passed.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
2.	PA-03-0009A	C.S.	BARBRA FALTA, P.A.	1920	Letter of Reprimand for failure to diagnose appendicitis.

Barbara Falta, P.A. appeared before the Board without legal representation. Rudolf Kirschner, Board Medical Consultant, reviewed this case with the Board. The allegation is failure to properly evaluate and order appropriate laboratory test for suspected appendicitis. P.A. Falta made a statement before the Board. P.A. Falta stated that during the exam with this patient, there was no acute distress apparent. The patient did relay to P.A. Falta that she had been vomiting; she was able to hold down fluids but no solid foods. P.A. Falta stated that she advised the patient that this was a gastroenteritis but could possibly be an early appendicitis and the best course would be for the patient to be sent home, be on clear fluids and if her pain increased, she should go to the emergency room. P.A. Falta admitted that she should have done a urinalysis. The Board members began the questioning of P.A. Falta. The Board members asked P.A. Falta why, with the concern of appendicitis, was she so sure that this patient had gastroenteritis but not early appendicitis? P.A. Falta responded by stating that the appendicitis was lower on her list than gastroenteritis because she had seen so many patients that day with gastroenteritis. P.A. Falta also stated that other possibilities cause right lower tenderness in a female including an ectopic pregnancy, urinary tract infection and yet there was no pelvic examination performed or a pregnancy test given. The patient did not look that ill. The Board members brought out the timeliness of lab results and why she would not be able to receive results for 24-48 hours as she had noted in her opening statement. P.A. Falta responded by informing the Board that she could receive results if she had ordered them STAT. The Board asked P.A. Falta if she was allowed enough time to spend with each patient to properly assess their needs. P.A. Falta responded that she is not and has no control over that. Albert Ray Tuttle, P.A.-C recommended that the Board find P.A. Falta has committed unprofessional conduct for failure to diagnose appendicitis, pelvic inflammatory disease and other diseases in violation of A.R.S. § 32-2501(21)(j) – Any conduct that is or might be harmful or dangerous to the health of a patient or the public. The standard of care in the care of a young female with abdominal pain and suspicion of appendicitis would be to order a minimum amount of lab work to rule that out. Dr. Weiss stated that a pelvic exam was also needed and should be added to the motion. The Board members commented that they are troubled that there were no urinalysis or pelvic exam performed, but looking at the medical records and the hospital medical records, this patient did not look sick and that the advice that P.A. Falta gave was not unreasonable. Other Board members disputed this and referred to the patient's letter that she had been ill for a number of days with an alleged fever up to 103 degrees and an assortment of symptoms that is not consistent with the history that was recorded. The patient presented with serious symptoms and nothing was done.

FORMAL INTERVIEWS (continued) – Barbara Faltz, P.A.

MOTION: Albert Ray Tuttle, P.A.-C moved for a finding of unprofessional conduct for failure to diagnose appendicitis, pelvic inflammatory disease and other diseases in violation of A.R.S. § 32-2501(21)(j) – Any conduct that is or might be harmful or dangerous to the health of a patient or the public. The standard of care in the care of a young female with abdominal pain and suspicion of appendicitis would be to order a minimum amount of lab work to rule that out and a pelvic exam.

SECONDED: Anna Marie Prassa

VOTE: 9-1-0 Motion Passed.

MOTION: Albert Ray Tuttle, P.A.-C moved issue a letter of reprimand for failure to diagnose appendicitis.

SECONDED: Anna Marie Prassa

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, and Barry D. Weiss, M.D., FAAFP. The following Board member abstained from the vote: Peter C. Wagner, D.O.

VOTE: 9-0-1 Motion Passed.

The meeting adjourned at 2:41 p.m.

[SEAL]

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director